

March 20, 1984

LB 829

to explain the bill?

SENATOR WESELY: Thank you. Madam President, members of the Legislature. LB 829 is a bill that tries to get us back to a ruling for an interpretation of who is in and who is not in a bargaining unit in regard to public employees after a 1983 Supreme Court decision that changed what we had always assumed to be the definition. We introduced the bill to basically reflect what the National Labor Relations Board definition of who a supervisor is, to help us get back to what the interpretation has always been. Let me explain. The Commission on Industrial Relations has a determination of who is in and who is not in a bargaining unit. They had always used these NLRB guidelines to determine who was in and who was out. That is the way it had always gone. A court case was brought. It was sent to the Supreme Court. The Supreme Court said, no, that's not the way to do it. The way to do it is this other way, and their way, the Supreme Court way, was a broader interpretation of who a supervisor was. Supervisors are not included in bargaining units. So by expanding the definition of who a supervisor was, more people were taken out of the bargaining unit and placed in a supervisory category and thus were not able to be part of that bargaining unit. What has happened is those people that represent these bargaining units want to go back to the old definition, to the old way and have more people in those bargaining units as a result because the Supreme Court has narrowed the base in which these bargaining units are drawn from. So that was the bill. It was introduced and it was supported by everybody but the representative of the Lincoln Electric System. LES, I should mention, is the person who was involved in the court case that was eventually decided by the Supreme Court, obviously they would oppose this change. So they did oppose it. We did work with the NACI which came in in support of the bill. We worked out the amendments; that was the committee amendments that we just adopted. We had very strong support from a number of different labor groups. The bill was advanced unanimously out of committee. Well lo and behold, I don't know what happened in the last few weeks, but some different groups that I have no idea where they are coming from on this legislation have rose up in opposition to it. I'm not